

**MINUTES OF THE  
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**  
Wednesday, July 18, 2007 – 9:00 a.m. – W130 House Building

**Members Present:**

Sen. Dennis E. Stowell, Senate Chair  
Rep. Fred R Hunsaker, House Chair  
Sen. Fred J. Fife  
Sen. Michael G. Waddoups  
Rep. Sheryl L. Allen  
Rep. Tim M. Cosgrove  
Rep. Bradley M. Daw  
Rep. Gage Froerer  
Rep. Kerry W. Gibson  
Rep. Richard A. Greenwood  
Rep. Christopher N. Herrod  
Rep. Christine A. Johnson  
Rep. Brad King  
Rep. Jennifer M. Seelig  
Rep. Carl Wimmer

**Members Absent:**

Sen. Sheldon Killpack  
Rep. Scott L Wyatt

**Staff Present:**

Mr. Joseph Wade, Policy Analyst  
Mr. Robert H. Rees, Associate General Counsel  
Ms. Wendy L. Bangerter, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Hunsaker called the meeting to order at 9:15 a.m.

**MOTION:** Sen. Fife moved to approve the minutes of the June 20, 2007 meeting. The motion passed unanimously. Sen. Waddoups and Rep. King were absent for the vote.

**2. GIT (Geospatial Information and Technology) for Local Government**

Mr. Dennis Goreham, Manager, AGRC (Automated Geographic Reference Center), and Mr. Matt Peters, GIS (Geospatial Information System) Programmer Analyst, AGRC, Department of Technology Services, addressed three examples of how GIT supports local government: (1) Iron County spatial growth modeling tool; (2) aerial imagery and Internet web services; and (3) notification of facilities with regional impact reported on their purchase of aerial imagery and Internet web services. They distributed a map showing the savings to local government when making a cooperative purchase. They referenced 2004 General Session H.B. 116, "Facilities with Regional Impact," that provides for notification to AGRC of proposed regional land use changes. They told how they used the data to help in the identification of disease in prairie dogs in Iron County. They discussed the financial needs for educating the counties, and the benefit of a statewide program. They asked for help in getting information to the local entities.

Committee discussion followed.

**3. Process for Incorporation of a Town**

Mr. Dennis Dahle, attorney representing Ruby's Inn, Inc., Mr. Rod Syrett, president of Ruby's Inn, Inc., and Mr. Jean Seiler, general manager of Ruby's Inn, Inc., addressed the Committee regarding 2007 General Session H.B. 466, "Incorporation of a Town Amendments." They distributed a handout "Policy

Arguments Favoring H.B. 466," comparing the old and new laws and competing policy arguments for and against incorporation of the proposed town. They spoke in favor of the bill stating that, "Regardless of who owns the property, real people live and work in the area and need and are entitled to the benefits of local government." Mr. Syrett noted that Ruby's Inn already provides all the services and functions that a municipality provides to its residents. They discussed taxation issues when changing from being unincorporated to incorporated. Mr. Dahle suggested that the focus of a feasibility study, if the Legislature decides to take action, should define the needs of the county residents.

Chair Hunsaker referred to a handout from staff, "Some Policy Questions Regarding Differences in the Process to Incorporate a Town and Process to Incorporate a City."

Mr. Adam Trupp, Utah Association of Counties, addressed the public policy issue and the impact in the future to other counties. He noted that the feasibility study requirement to determine the impact to the county is no longer in the law. He spoke in favor of further legislation to broaden the study and clarify the intent of H.B. 466.

Mr. Lincoln Shurtz, League of Cities and Towns, also made suggestions for the focus of a feasibility study and consideration of other points of the law.

#### **4. Eminent Domain**

Mr. Michael Ostermiller, Utah Association of Realtors, spoke against compensation being more than fair market value for taking property. He suggested that the biggest problem that arises is the disparity between the land owner's and purchaser's view of the property value. He suggested two areas that would be meaningful to property owners and not too burdensome to a condemning authority: (1) after a loss in court, the losing entity pay the attorney fees, and (2) increase the current notice requirement of access to the ombudsman office and other required notice information at first contact broaching the subject of condemning property.

Mr. Ryan Mecham, Utah Property Rights Coalition, and Anderson Development, addressed the question of real value of property that cannot be established by appraisal.

Mr. Taz Biesinger, Utah Home Builders Association, stated there is a difference between when a fair market value is established and when there is an unwilling seller. He stated that the appraisal business is not a pure science.

Mr. Brent Bateman, Office of Property Rights Ombudsman, emphasized the need to ensure appraisals are as scientifically measurable as possible.

Mr. Jeff Richards, attorney representing Rocky Mountain Power, made note of Rocky Mountain Power's excellent record of dealing with public property and not having to take the issue to court. He attributes that to the ombudsman's office. He spoke in favor of the current method of appraisal and check by the ombudsman's office. He noted that Rocky Mountain is required to pay for a second appraisal when the ombudsman's office feels there is a discrepancy in the appraisal.

Mr. Gary Crane, Utah League of Cities and Towns and attorney for Layton City, spoke against the suggestion of payment of attorney fees stating that past discussions regarding attorney fees determined that change would swing the balance too far the other direction. He stated that a second appraisal has been more effective. He expressed appreciation for the office of the ombudsman and the work they do.

Ms. Linda Hull, Utah Department of Transportation, stated that at first contact, notification of access to the ombudsman's office is given and that there is a way for attorney fees to be paid in a timely manner in an egregious situation.

Mr. Randy Hunter, Office of the Attorney General, addressed severance damages as they occur to remaining property when only a portion of the property is taken. He stated that severance pay is awarded quite frequently.

Committee discussion followed.

## **5. Local Government Campaign Financial Reports**

Rep. Bradley Daw briefed the Committee on a proposal to require local government candidates to submit campaign financial reports electronically. He asked for support in sponsoring a bill.

Mr. Shurtz spoke in favor of tighter requirements by requiring electronic reporting and warehousing those reports with the state. He stated that it is already an administration responsibility.

Mr. Brent Gardner, Utah Association of Counties, stated that as long as the candidate is responsible for the filing, the Utah Association of Counties would have no objection to the increased requirements.

Committee discussion followed.

**MOTION:** Rep. King moved to direct staff to draft a bill to be brought back for Committee consideration. The motion passed unanimously.

## **6. Other Items / Adjourn**

**MOTION:** Rep. King moved to adjourn the meeting. The motion passed unanimously.

Chair Hunsaker adjourned the meeting at 11:40 a.m.